



## Non Responsible Party Application for Voluntary Cleanup Contract

### I. Applicant Information

1. Applicant is a: ☒ Single Entity ☐ Co-Entity (Each Co-Entity must complete items 1-8)
2. Applicant Type: ☐ Private Individual /Sole Proprietorship ☒ For-profit Business (Corp., Partnership, etc.) ☐ Tax-Exempt Trust/ Corporation/ Organization ☐ Government / Other Public Funded Entity

3. Applicant's Legal Name Flournoy Development Company, LLC

#### 4. Contract Signatures for this Applicant

##### a. Authorized Signatory

Ryan Foster	Vice President	ryan.foster@flournoydev.com
Name	Title	Email
900 Brookstone Centre Parkway	706-243-9403	
Address	Phone1	Phone2
Columbus	GA	31904
City	State	Zip

##### b. Other Signatories ☐ None

Name	Title	Phone	Email	Signature Required On Contract?
		( ) -		<input type="checkbox"/>
		( ) -		<input type="checkbox"/>
		( ) -		<input type="checkbox"/>

#### 5. Physical Location of Applicant's Headquarters

900 Brookstone Centre Parkway

Street address	Suite Number
Columbus	31904
City	Zip

#### 6. Mailing address: ☒ Same as Authorized Signatory Go to question 7

Contact person (if different from Authorized Signatory)	Title		
Street Number or PO Box	Phone1	Phone 2	
City	State	Zip	Email

#### 7. Company Structure Information ☐ Not-applicable (Local Government, Sole Proprietorship, Private Individual) - Go to Question #8

a. Company is Incorporated/ Organized/ Registered in Georgia (state)

b. List all principals, officers, directors, controlling shareholders, or other owners with >5% ownership interest.

Attach additional pages if needed.

Name	Name
John Flournoy	

c. Is the applicant a subsidiary, parent or affiliate of any other business organization not otherwise identified on this form?

☒ Yes ☐ No

d. If yes, identify all affiliations: Parent of Flournoy Construction Company, LLC and Flournoy Properties, LLC

#### 8. Non-Responsible Party Certification

By signature below, it is affirmed that no person or entity identified anywhere above:

1. Is a current owner of the property
2. Is a Responsible Party for the site
3. Is a parent, successor, or subsidiary of any Responsible Party or owner of the property
4. Has had any involvement with the property in the past other than activities performed in anticipation of participation in the Voluntary Cleanup Program

Ryan Foster  
Authorized Signatory

1-8-13

Co Signatories

## II. Property Information

### 9. Location

a. Physical Address 19 Folly Road, 25 Folly Road, and 35 Folly Road

b. County Charleston

c. ☐ Property is outside any municipal boundaries ☒ Property is inside the municipal limits of Charleston  
(town/city)

### 10. List any Companies or Site names by which the Property is known

Ashley Tire and Battery, Comet Petroleum, Hay Oil Co.

Wickes Lumber, Gold's Gym

11. Total Size of Property Covered by this Contract ~~5.66~~ 5.39 Acres

12. How many parcels comprise the Property? 3

### 13. Current Zoning (general description)

General Business - This zoning allows for a variety of used including commercial, retail, and many more intense uses. We currently going through rezoning to change the zoning to MU-2 which is a mixed use designation allowing most of the same uses GB allows however also allows for multi-family.

14. a. Does the property have any above- or below-ground storage tanks? ☒ Yes ☐ No

b. If Yes, provide information on the number and capacity of the tanks, their contents, and whether they will be retained, or closed and/or removed.

Heating oil AST (not currently in service) is located on parcel -058. AST will be removed.  
Parcel -058 was former location of bulk fuel distributor (Hay Oil Company)

Property is location of several former UST operations - all USTs reportedly abandoned:  
Ashley Tire and Battery (SCDHEC UST Permit # 01888) - Parcel -058  
SC61 SCDOT Connector / Comet (SCDHEC UST ID # 15987) - Parcel -063  
Wickes Lumber (SCDHEC UST ID # 01479) - Parcel -057

15. Parcel Information <i>Complete the information below for each Parcel (attach additional sheets if needed)</i>			
<p>a. Tax Map Parcel# <u>4211100057</u></p> <p>b. Acreage <u>3.46</u></p> <p>c. Current Owner <u>Albemarle Associates <del>LLC</del></u></p> <p>d. Owner Mailing Address <u>242 Mathis Ferry Rd.</u> <u>Suite 200</u> <u>Mt. Pleasant, SC 29464</u></p> <p>e. Contact Person for Access <u>Shawn Howell</u></p> <p>f. Access Person's Phone # <u>843-884-8976</u></p> <p>g. Is Parcel Currently Vacant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>h. Buildings on the parcel? (check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Demolished/Ruins <input checked="" type="checkbox"/> Intact, To be demolished <input type="checkbox"/> Intact, To be re-used</p> <p>i. Business/facility operations <input type="checkbox"/> Never Operated on the parcel <input checked="" type="checkbox"/> Not operating since <u>2010</u> (approx date) <input type="checkbox"/> In operation: nature of the business _____</p>	<p>a. Tax Map Parcel# <u>4211100058</u></p> <p>b. Acreage <u><del>1.78</del> 1.51</u></p> <p>c. Current Owner <u>Werner G. Burky</u></p> <p>d. Owner Mailing Address <u>1241 Pembroke Dr.</u> <u>Charleston, SC 29407</u></p> <p>e. Contact Person for Access <u>Werner G. Burky</u></p> <p>f. Access Person's Phone # <u>843-696-4400</u></p> <p>g. Is Parcel Currently Vacant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>h. Buildings on the parcel? (check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Demolished/Ruins <input checked="" type="checkbox"/> Intact, To be demolished <input type="checkbox"/> Intact, To be re-used</p> <p>i. Business/facility operations <input type="checkbox"/> Never Operated on the parcel <input type="checkbox"/> Not operating since _____ (approx date) <input checked="" type="checkbox"/> In operation: nature of the business <u>Towing/Garage</u></p>		
<p>a. Tax Map Parcel# <u>4211100063</u></p> <p>b. Acreage <u>.42</u></p> <p>c. Current Owner <u>Werner G. Burky</u></p> <p>d. Owner Mailing Address <u>1241 Pembroke Dr.</u> <u>Charleston, SC 29407</u></p> <p>e. Contact Person for Access <u>Werner G. Burky</u></p> <p>f. Access Person's Phone # <u>843-696-4400</u></p> <p>g. Is Parcel Currently Vacant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>h. Buildings on the parcel? (check all that apply) <input checked="" type="checkbox"/> None <input type="checkbox"/> Demolished/Ruins <input type="checkbox"/> Intact, To be demolished <input type="checkbox"/> Intact, To be re-used</p> <p>i. Business/facility operations <input type="checkbox"/> Never Operated on the parcel <input checked="" type="checkbox"/> Not operating since <u>1970</u> (approx date) <input type="checkbox"/> In operation: nature of the business _____</p>	<p>a. Tax Map Parcel# _____</p> <p>b. Acreage _____</p> <p>c. Current Owner _____</p> <p>d. Owner Mailing Address _____</p> <p>e. Contact Person for Access _____</p> <p>f. Access Person's Phone # _____</p> <p>g. Is Parcel Currently Vacant? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>h. Buildings on the parcel? (check all that apply) <input type="checkbox"/> None <input type="checkbox"/> Demolished/Ruins <input type="checkbox"/> Intact, To be demolished <input type="checkbox"/> Intact, To be re-used</p> <p>i. Business/facility operations <input type="checkbox"/> Never Operated on the parcel <input type="checkbox"/> Not operating since _____ (approx date) <input type="checkbox"/> In operation: nature of the business _____</p>		
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III. Property Redevelopment

16. Describe the intended re-use of the property:  
(attach additional sheets if necessary)

The intended re-use of the property is going to be for a high density multi-family development along with a community feature. The current plan is develop approximately 300 units on about 3.4 acres fronting Albemarle Road. The project would have structured parking, a swimming pool, clubhouse, fitness center, and other community amenities. The remaining 1.35 acres will potentially be donated to the city for some sort of community park.

17. a. Will the future use include any chemical processes, petroleum or chemical storage and handling, on-site waste disposal, or generate any hazardous substances? ☐ Yes ☒ No  
b. If Yes, identify the substances and discuss steps that will be taken to prevent their release to the environment.

18. Will redevelopment lead to the creation of permanent jobs on the property? ☒ Yes Anticipated Number 7  
☐ No

19. Projected Increase to the Tax Base as a result of this redevelopment: \$ 300,000

20. a. Will there be Intangible benefits from this redevelopment such as:  
☐ LEED, Earth Craft, EnergyStar, or similar certification of Sustainable Development  
☒ Creation / Preservation of Green Space on the Property  
☐ Deconstruction/ Recycling of demolition or building debris  
☒ Other \_\_\_\_\_

b. Please Describe:  
In addition to the potential donation of land to the city for a park, it is important to note that this particular site is located in a part of town which is considered by the city a gateway into the city. So in addition to a new multi-family development, the site will be transformed from a community deterrent into a gateway park leading into the city.

21. Anticipated date of closing or acquiring title to the property 11 / 30 / 2013

22. Redevelopment Certification  
By signature below, the applicant(s) affirm that their proposed use and activities will not knowingly aggravate or contribute to existing contamination or pose significant human health or environmental risks on the property.

[Signature] 1-8-13  
Signature(s)

IV. Project Management And Financial Viability (Co-Entities, refer to instruction sheet)

23. Environmental Consulting Firm  
☐ None as of this application date  
S&ME  
Company  
620 Wando Park Blvd                      Mt. Pleasant                      SC                      29464  
Address                      City                      State                      Zip  
Chuck Black                      SC PE # 17955                      843-884-0005                      cblack@smeinc.com  
Project Contact1                      S.C PE/PG Reg. #                      Phone1                      Phone 2                      email  
  
Project Contact 2                      S.C PE/PG Reg. #                      Phone1                      Phone 2                      email

24. Legal Counsel (Optional)

Nexsen Pruet

Firm

Tommy Lavender

803-253-8233

Attorney

1230 Main Street Suite 700

ColumbiaSC29201tlavender@nexsenpruet.com

Street Number or PO Box

City

State

Zip

email

25. Applicant's Billing Address

☒ Same as Contact person in #6 above Go to question #26

Financial Contact

Title

Company

Phone

Address

City

State

Zip

26. Financial Viability

By signature(s) below, the applicant agrees to:

1. Pay the Department's costs upon receipt of invoices for implementing the Voluntary Cleanup Program for this Property, and

2. Provide financial statements, if requested, to document financial viability to conduct the response actions on the Property.

☐ Waiver Requested (Check Box If applicable)

The applicant is a Local Government or qualifies as a 501(c) Non-Profit Organization, and requests waiver of some Departmental costs of implementing this contract.

Signatures

1-8-13

V. Application Completion (The following are required along with this form. Check applicable boxes)

27. The Legal Description of the Property is attached as a:

☒ Plat Map☐ Metes and Bounds Text☐ Both

28. The Phase I Environmental Site Assessment Report is attached as a:

☒ New report completed in the past six months by S&ME (lots -058, -063)

(Name of Environmental Firm)

☒ Older report updated in the past six months by S&ME (lot -057)

(Name of Environmental Firm)

29. Environmental sampling data and other reports: (check one)

☐ The Applicant is not aware of any environmental testing on the property

☒ The Applicant believes the Department already has all environmental data in its files on: See Below

(Site Name)

☐ The Following reports are attached:

Report Date

Ashley Tire and Battery

SC61 Connector (SCDOT)

Wickes Lumber

Report Name

SCDHEC UST ID # 01888

SCDHEC UST ID # 15987

SCDHEC UST ID # 01479

Environmental Firm

30. Mailing addresses of Former Owners, Operators and other Potentially Responsible Parties:(check one)

☐ Enclosed with this Application as an Attachment

☒ Will be submitted along with (or before) the signed contract

31. The applicants attest by signature below that this application is accurate to their best knowledge. Furthermore, the applicants request DHEC evaluate the Property for inclusion in the Brownfields Voluntary Cleanup Program and draft a Non-Responsible Party Contract for the Property.

Signature(s)

1-8-13

This Section for Department Use Only

Assigned File Name		
Eligible for NRP Contract	Y N	
Assigned File Number		
Assigned Contract Number		

DHEC 2956 (08/2009)

**PROPERTY DESCRIPTION**

ALL that certain tract or parcel of land situate, lying and being in Charleston, County of Charleston, State of South Carolina, and shown and designated as 3.44 AC No. 35 FOLLY ROAD, on a plat prepared by ARC Surveying Company, Inc. entitled "PLAT SHOWING THE RESURVEY OF A 3.44 ACRE TRACT OF LAND, OWNED BY WICKES LUMBER COMPANY, CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA MARCH 5, 1990," and recorded in the R.M.C. Office for Charleston County in Plat Book BY, Page 128 on March 11, 1990, which is attached hereto and incorporated by reference herein. The said tract for having such size, shape, dimension, buttings and boundings as will by reference to said plat more fully appear.

BEING the same property conveyed to Albemarle Associates of Mount Pleasant, LLC by deed of Albemarle Associates, A South Carolina Partnership, dated November 30, 2005 and recorded in the R.M.C. Office for Charleston County in Book P574 at Page 215 on March 2, 2006.

TMS No. 421-11-00-057

**AND ALSO:**

ALL that piece, parcel or tract of land, together with the buildings and improvements thereon, situate, lying and being on Folly Road, City and County of Charleston, State of South Carolina, designated as ELF PARTNERSHIP, a South Carolina General Partnership, TMS 421-11-00-058, 1.51 ACES on a plat entitled "Plat OF A 1.51 ACRE TRACT OF LAND OWNED BY ELF PARTNERSHIP, A SOUTH CAROLINA GENERAL PARTNERSHIP, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," which plat was made by Moses A. Thomas, R.L.S., dated February 12, 1993, and recorded in the R.M.C. Office for Charleston County in Plat Book CL at page 107 on February 25, 1993, and is attached hereto and incorporated by reference herein; said tract having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

BEING the same premises conveyed to the Werner G. Burky by deed of ELF Partnership dated May 29, 1997, and recorded on June 13, 1997, in the R.M.C. Office for Charleston County in Book N285 at page 297.

TMS # 421-11-00-058

**AND ALSO:**

ALL that piece, parcel or tract of land, together with the buildings and improvements thereon, situate, lying and being on Folly Road, City and County of Charleston, State of South Carolina, designated as PS CHARLESTON CORP., TMS 421-11-00-063 on a plat entitled "Plat OF A 1.51 ACRE TRACT OF LAND OWNED BY ELF PARTNERSHIP, A SOUTH CAROLINA GENERAL PARTNERSHIP, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," which plat was made by Moses A. Thomas, R.L.S., dated February 12, 1993, and recorded in the R.M.C. Office for Charleston County in Plat Book CL at

page 107 on February 25, 1993, and is attached hereto and incorporated by reference herein; said tract having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully appear.

BEING the same premises conveyed to the Werner G. Burky by deed of Albemarle Road Associates, LLC, dated July 20, 2001, and recorded on August 7, 2011, in the R.M.C. Office for Charleston County in Book B379 at page 446, and by corrective deed from Albemarle Properties, LLC dated March 14, 2002, and recorded on April 29, 2002, in the R.M.C. Office for Charleston County in Book L404 at page 463.

TMS # 421-11-00-063

1  
2  
3  
4

**Current and Former Owners and Operators – TMS # 421-11-00-057**

Albemarle Associates of Mt. Pleasant, LLC  
c/o Howell & Associated 242 Mathis Ferry Road, Suite 200  
Mt. Pleasant, SC 29464-2982

Albemarle Associates, a South Carolina Partnership  
c/o Howell & Associated 242 Mathis Ferry Road, Suite 200  
Mt. Pleasant, SC 29464-2982

LifeQuest Fitness  
610 Coleman Blvd.  
Mt. Pleasant, SC 29414

Gold's Gym  
1291 Folly Rd.  
Charleston, SC 29412

Bennett Chiropractic Center  
3901 Rivers Ave.  
North Charleston, SC 29405

Wickes Lumber Company  
c/o Prentice Hall Corp.  
5000 Thurmond Mall Blvd.  
Columbia, SC 29201

**Current and Former Owners and Operators – TMS # 421-11-00-058**

Werner G. Burky  
P.O. Box 39750  
Charleston, SC 29417

ELF Partnership  
P.O. Box 39540  
Charleston, SC 29407

Ashley Tire, Inc. (dissolved 1991)

Hay Oil Company, Inc. (dissolved 1988)

CSX Transportation Inc. (as successor to Atlantic Coast Line Railroad Company)  
500 Water Street  
Jacksonville, FL 32202



**Current and Former Owners and Operators – TMS # 421-11-00-063**

Werner G. Burky  
P.O. Box 39750  
Charleston, SC 29417

Albemarle Properties, LLC  
171 Church St., Suite 160  
Charleston, SC 29401

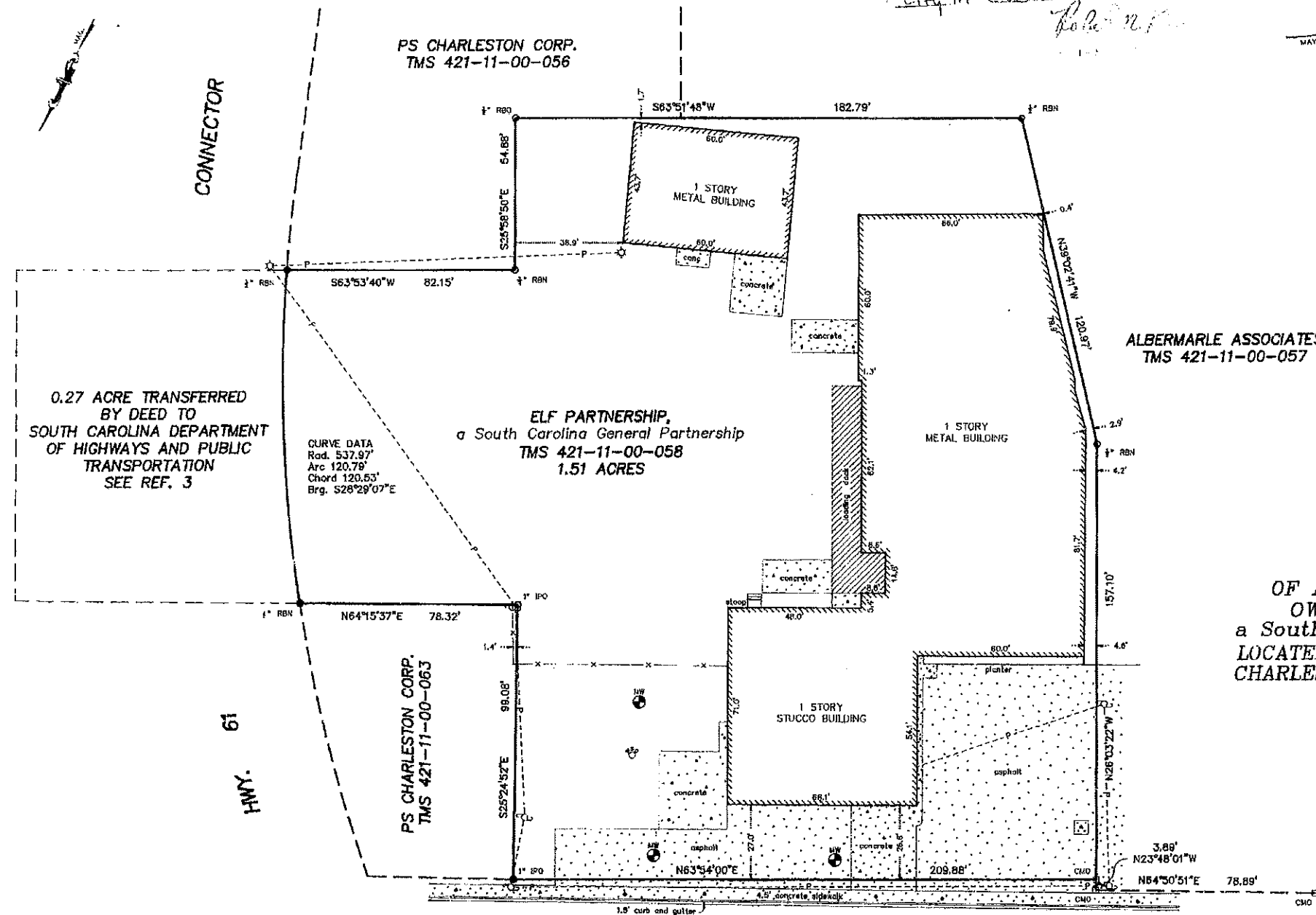
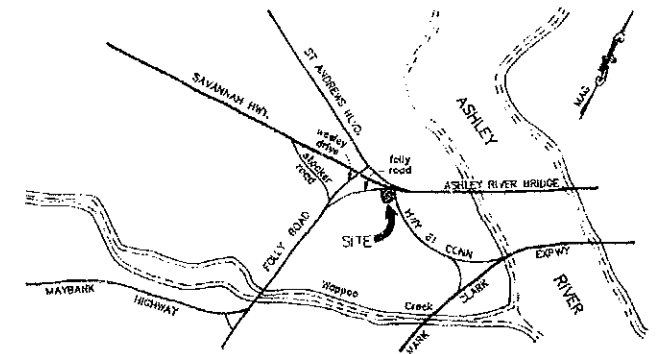
Philip A. McGowan, Arthur H. Applegate, The Michael J. Brickman Family Limited  
Partnership, and Terry E. Richardson, Jr.  
171 Church St., Suite 300  
Charleston, SC 29401

Ashley Landing, Inc.  
28 Broad Street  
Charleston, SC 29401

MOSES A. THOMAS LAND SURVEYOR, INC.  
1714 ASHLEY RIVER RD., CHARL., S. C. 29407  
BUS. (803) 571-6804

EX Z22210000

25 Feb 1993  
11:38  
34  
City of Chas  
R. A. Thomas



PLAT  
OF A 1.51 ACRE TRACT OF LAND  
OWNED BY ELF PARTNERSHIP  
a South Carolina General Partnership  
LOCATED IN THE CITY OF CHARLESTON  
CHARLESTON COUNTY, SOUTH CAROLINA

FOLLY ROAD S.C. ROUTE 700 R/W VARIES

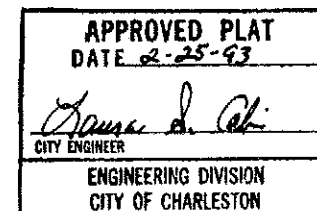
REFERENCES:

- 1) PLAT BY JOHN McCRAID, JR., DATED NOVEMBER, 1963 AND RECORDED IN PLAT BOOK Q PAGE 142
- 2) PLAT BY PENOLIA A. VAN BUREN, DATED MARCH 5, 1990, AND RECORDED IN PLAT BOOK BY PAGE 128
- 3) SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION DOCKET 10.265A, SHEET 24 OF 83, PLANS OF HWY 61 CONNECTOR

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown.

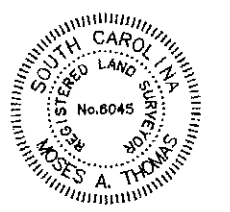
Moses A. Thomas, R. L. S.  
S. C. Reg. No. 6045

DATE: FEB. 12, 1993  
SCALE: 1"=30'

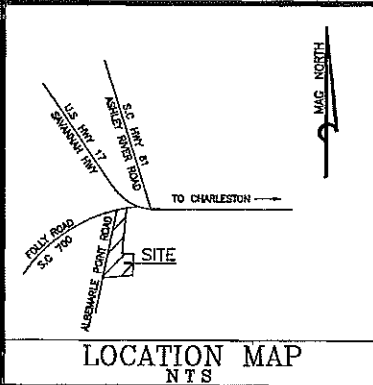


LEGEND:

- RBO --- REBAR OLD (found)
- RBN --- REBAR NEW (set)
- IPO --- IRON PIPE OLD (found)
- CMU --- CONCRETE MONUMENT
- OLD (found)
- X --- FENCE
- P --- O'HEAD POWER LINE
- ☆ --- LIGHT POLE
- --- POWER POLE
- W --- WATER VALVE
- W --- MONITORING WELL



0 10 20 30 60  
SCALE IN FEET



- NOTES.
- 1) TMS 421-11-00-057
  - 2) THIS PROPERTY IS LOCATED AT EL. 13.00 AS INDICATED ON HUD/FIA FLOOD MAPS (PANEL # 455412 0021 D.) DATED NOVEMBER 5 1986
  - 3) REFERENCE PLATS  
PLAT BY CUMMINGS AND McCRADY DATED NOVEMBER 1963 RECORDED IN PLAT BOOK Q PAGE 142  
PLAT BY CUMMINGS AND McCRADY DATED JULY 1964, RECORDED IN PLAT BOOK R PAGE 120
  - 4) THIS PROPERTY IS OWNED BY WICKES LUMBER COMPANY
  - 5) ACREAGE = 344 ACRES = 150183 SQ FT
  - 6) 10 DENOTES IRON OLD
  - 7) 1N DENOTES IRON NEW
  - 8) CMO DENOTES CONC MONUMENT OLD
  - 9) REFERENCE S C HWY DEPT DKT # 10 180A

Curve Number 1  
Radius= 541.96  
Delta= 06°08'06"  
Arc= 58.03  
Tangent= 29.04  
Chord= 58.00  
Chord Brg = S 30°04'58"E

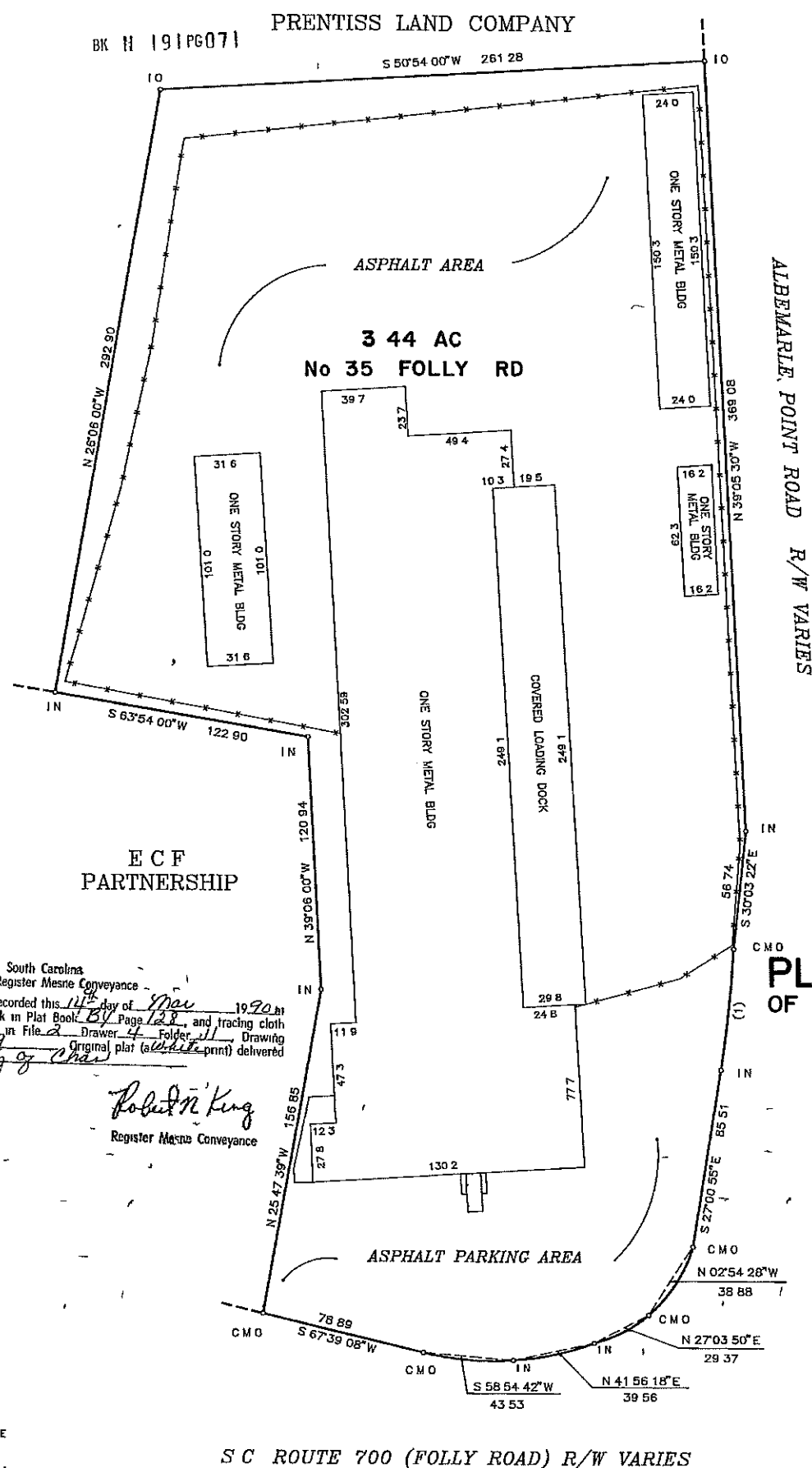


I, A REGISTERED SURVEYOR OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON AND THAT THIS PLAT SHOWS THE TRUE DIMENSIONS OF THIS PROPERTY AND ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THE PRECISION IS 1/10,000

*Penolia A. Van Buren*  
PENOLIA A VAN BUREN RLS SC REG NO 11075

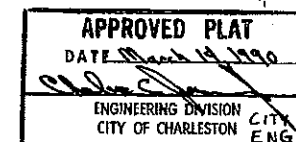
Charleston, South Carolina  
Office of Register Mesne Conveyance  
Plat recorded this 14th day of Mar, 1990 at 10:16 o'clock in Plat Book BY Page 122, and tracing cloth copy filed in File 2 Drawer 4 Folder 11, Drawing No. 449 Original plat (aloha print) delivered to City of Charleston

*Robert N. King*  
Register Mesne Conveyance



PLAT SHOWING THE RESURVEY  
OF A 344 ACRE TRACT OF LAND

OWNED BY  
WICKES LUMBER COMPANY  
CITY OF CHARLESTON  
CHARLESTON COUNTY, SOUTH CAROLINA  
MARCH 5 1990



ARC  
SURVEYING COMPANY INC  
SURVEYING PROJECT MANAGEMENT PLANNERS  
2183 HWY 17 NORTH MT PLEASANT SC 29464  
P.O. BOX 1054 MT PLEASANT SC 29465  
PHONE (803) 881-4913 FAX (803) 849-6120